

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	CASE NO. 2:20-cr-62
	:	
vs.	:	JUDGE MORRISON
	:	
STEVEN G. ROSSER and	:	
WHITNEY R. LANCASTER,	:	
Defendants.	:	

JOINT MOTION TO CONTINUE AND EXTEND TIME TO FILE

The parties, by and through their counsel, respectfully move this Court for an extension of time to file pretrial motions and to continue the pretrial conference scheduled for November 2, 2020 at 2:30 p.m. and the trial scheduled for November 9, 2020 at 9:00 a.m. Counsel for the United States and counsel for Steven Rosser join in this Motion filed by counsel for Whitney Lancaster. The reasons in support of this Motion are set forth in the following Memorandum.

Respectfully submitted,
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Counsel for the United States Government

MEMORANDUM

Defendants Steven Rosser and Whitney Lancaster (collectively, “Defendants”) were indicted by a federal Grand Jury on March 25, 2020. Defendant Steven Rosser is charged in Count One with Conspiracy to Violate Another Person’s Civil Rights in violation of 18 USC § 241. Defendants are charged in Count Two with Conspiracy to Violate Another Person’s Civil Rights in violation of 18 USC § 241 and in Count Three with Conspiracy to Commit Wire Fraud in violation of 18 USC § 1349. Count One encompasses allegations of a criminal conspiracy that purportedly continued over the span of five years. Count Two encompasses allegations of a criminal conspiracy that purportedly continued over the span of at least two years and Count Three encompasses allegations of a criminal conspiracy that purportedly continued over the span of approximately four months in 2018. (Doc. 5).

This case is currently scheduled for a pre-trial conference on November 2, 2020 at 2:30 p.m. and a jury trial on November 9, 2020 at 9:00 a.m. Further, the pre-trial motion cut-off date is currently October 5, 2020. (Doc. 26). The Government's initial discovery production to defense counsel was voluminous. To date, the Government has provided defense counsel with nearly one terabyte of discovery. The 990 gigabytes of discovery consists of 232,636 files. The file types are diverse and include documents, cell phone extractions, audio and video recordings, photographs, and spreadsheets. Defense counsel have been diligently reviewing the discovery materials.

The Government has informed defense counsel that additional discovery materials are forthcoming in the near future. More specifically, the Government has informed defense counsel that the anticipated supplemental discovery will include a report generated by the FBI based off GPS information from cellular devices, as well as additional witness statements. Defense counsel therefore need additional time review these materials, determine whether pre-trial motions are merited, and to conduct any necessary follow-up defense investigation based on that review.

Defendants recognize the requirements of the Speedy Trial Act of 1974, as set forth in 18 USC § 3161, *et seq.* Defendants submit that this Motion to Continue and Extend Time to File is not made for the purpose of delaying a speedy resolution of this case, but rather it is required by the need for defense counsel to have time to review all of the discovery materials and provide effective representation for each Defendant.

Defendants further submit the factors set forth in 18 USC § 3161 (h)(7)(B)(i) and (B)(iv) are present in this case. Due to the short period of time between the arraignment, the receipt of voluminous discovery initially produced by the Government, the anticipated supplemental production of further discovery by the Government, and the scheduled trial date, defense counsel

believe and assert that failure to grant the requested continuance “. . . would be likely to . . . result in a miscarriage of justice.” 18 USC § 3161(h)(7)(B)(i).

Defense counsel have exercised, and will continue to exercise, due diligence in the preparation of this case, but in light of the complexity of the prosecution, the voluminous discovery documents, and the anticipated supplemental discovery production, the current trial schedule would hinder defense counsels’ ability to effectively prepare for trial. 18 USC § 3161(h)(7)(B)(iv). The Government, represented by AUSA Kevin Kelley and AUSA Noah Litton join defense counsel in this motion and also request the Court reschedule these dates. Accordingly, the Joint Motion to Continue and Extend Time to File is justified under 18 USC § 3161(h)(7)(B)(i) and (B)(iv).

It is respectfully requested this Court continue the pre-trial conference and jury trial currently set in this case, as well as extend the time to file pre-trial motions. The parties respectfully request a continuance of approximately four months.

Respectfully submitted,
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed with the Clerk of Court for the United States District Court for the Southern District of Ohio using the CM/ECF system, which will send notification of such filing to the following on October 8, 2020, by electronic mail:

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